

Community Character and Appearance

INTRODUCTION

Just as most County residents take pride in the character and appearance of their homes and properties, so too do they have keen interest in the overall character and appearance of the County in which they live. Whether one's interest is in preserving the County's "rural character" (a term that has various definitions), seeing vacant commercial buildings occupied, avoiding the "Mercury Boulevard" look, living on tree-lined residential streets, or a host of other objectives, there is a strong desire to preserve and improve York County as a pleasant and attractive place to live, work and enjoy leisure time.

York County is blessed by its geography. With over 200 miles of shoreline and associated tidal areas and over 40% of its total land area owned by the federal government (military or National Park Service) or as parts of watersheds (Newport News Waterworks or City of Williamsburg waterworks), there are vast areas of greenspace that are likely to remain that way for many generations. These "green" areas are supplemented by undeveloped privately owned lands with extensive tree cover and by developed properties where attention and effort have been given to protecting and enhancing the landscape. This vast amount of green/open space is one of the County's principal *character-defining* features and, most likely, is the reason that so many perceive the County to be *rural*, or at least *semi-rural*.

Although development has altered much of the County's natural landscape, policies and regulations put in place nearly 50 years ago (with the adoption of the County's first Zoning Ordinance in 1957), and improved upon since, have helped to minimize the *character-altering* impacts of that development. Could those techniques have been more aggressive and have required greater amounts of landscaping or open space? Yes – but so too could they have been less stringent. Suffice it to say that the land use controls imposed over the past 50 years have struck the balance that was considered appropriate at the time between private property rights and the citizen concerns. Now, as the County is about to enter its second 50 years of planning and zoning history, citizen responses indicate a desire for the bar to be raised to a higher level to ensure that the inevitable growth and development that occurs has a positive *defining* effect on the character and appearance of the County.

CHARACTER-DEFINING TOOLS AND TECHNIQUES

Under the terms of the Code of Virginia, various tools and techniques are available to local governments seeking to protect and enhance the character and appearance of their jurisdiction. These measures can be coupled with non-regulatory and incentive-based policies and programs to address issues affecting appearance, either on a countywide basis or in targeted areas, as was the case with the recommendations developed in 2004 by the Route 17 Revitalization Committee. The following is a summary of some of the techniques in use in York County.

Landscaping – Preservation and Enhancement

In 1980, the Board of Supervisors adopted amendments to the Zoning Ordinance that established the first formal landscaping requirements for commercial and industrial development. These provisions required that a 10-foot wide open space area be provided around the perimeter of development sites and that existing trees within that area be preserved to the extent possible and that supplementary landscaping be installed. These requirements have been adjusted over the years, in terms of both width (a 20-foot wide strip is now required along road frontages) and number of landscape plantings, all with the objective of continuing to enhance the appearance of developing areas. As the landscaping installed pursuant to these requirements continues to mature, the appearance of the County's commercial corridors will continue to improve.

Recognizing the aesthetic benefits that landscaping can provide at the “gateways” to the County and on major transportation corridors, the County has undertaken several major landscaping projects with funding provided on a dollar-for-dollar match through the Virginia Department of Transportation Revenue Sharing Program. To date, extensive median and shoulder landscaping has been installed on segments of Routes 17, 171 and 199 and additional projects are planned for Bypass Road, Merrimac Trail/Second Street and the Grove interchange area. As a part of this effort, the County has also assumed responsibility for enhanced levels of maintenance (mowing/litter pick-up, etc.) along these roadways. As the landscaping installed in these areas matures, it will significantly improve the appearance of the corridors.

Greenbelts

In accordance with policy guidance provided by the 1991 Comprehensive Plan, the Board of Supervisors amended the Zoning Ordinance in 1995 to include requirements to protect and preserve existing trees and vegetation within a 35-foot wide *Greenbelt* along certain designated road corridors. These provisions recognized the reality that commercial site design and development usually resulted in considerable disturbance within the front ten to twenty feet of a site, causing existing mature trees to be damaged or destroyed and thus altering significantly the views and vistas along that corridor. While some have argued that tall, spindly existing trees should be removed from a developing site and replaced with new landscaping, it is those same tall trees that create the pleasant vistas along many of the County’s road corridors and that can be supplemented (rather than replaced) with new landscaping to create an even more attractive highway corridor. With these benefits in mind, the Board of Supervisors has recently amended the Greenbelt provisions to increase the width to 45 feet along certain corridors and to expand the provisions to additional residential and commercial corridors.

Corridor Design Standards

Also in 1995, and again in concert with policy guidance provided in the 1991 Comprehensive Plan, the Board of Supervisors amended the Zoning Ordinance to establish the TCM-Tourist Corridor Management Overlay provisions. These provisions, which don’t change the list of uses allowed by the underlying zoning classification, address basic architectural design and appearance issues with the objective of ensuring that new or redevelopment projects are compatible with their surroundings and present a positive image on the County’s major tourist entry corridors (as enabled by the terms of Section 15.2-2306 of the Code of Virginia). In 2005, the Board of Supervisors adopted amendments that strengthened the architectural design standards in the existing TCM overlay district and also created a separate stand-alone Corridor Management Overlay designation applicable to Route 17 between Cook Road and the Newport News city line. The Route 17 overlay, which includes many of the same architectural design standards of the basic TCM overlay, was adopted as a direct result of the work and recommendations of the Route 17 Revitalization Committee.

Historic Districts

In 2004, after many years of study and deliberation, the Board of Supervisors established the Yorktown Historic District and the accompanying Yorktown Design Guidelines. These provisions, which were adopted pursuant to the authority provided in Section 15.2-2306 of the Code of Virginia, establish a formal architectural design review process for the historic Village of Yorktown the intent of which is to ensure that new construction and renovation work is designed in a manner that respects and complements the special character of Yorktown.

Cluster Development Opportunities

First established in 1985, the residential *cluster* or *open space subdivision* provisions of the Zoning Ordinance are intended to promote the protection and preservation of environmentally sensitive areas and open space for and active and passive recreation within residential

developments. The cluster provisions allow the same development yield (number of lots) that can be achieved through conventional subdivision techniques, but there is no minimum lot size requirement. As a result, lots can be much smaller and the land not platted into individual lots can be reserved as permanent open space owned in common by all the lot owners in the development. This has proven to be a popular development practice and has resulted in the preservation of more character-enhancing open space and woodland than would have been the case under conventional development techniques.

Conservation / Open Space Easements

As noted previously, the vast amounts of federally-owned and waterworks-owned properties in York County contribute enormously to character and appearance. However, recognizing that there may be other properties and areas worthy of permanent protection – whether because of environmental sensitivity, appearance values, buffering, recreation needs, etc. – the Board of Supervisors has established capital improvements program funds for both Greenways acquisitions and Conservation Easements acquisition. Although funding amounts are limited, the establishment of these funds represents an acknowledgement of the importance of such areas to the future appearance of the County and the well-being and contentment of its citizens.

Property Improvement Grant Programs

In order to stimulate reinvestment in the commercial property on the Route 17 corridor, the Revitalization Committee recommended that financial assistance (matching grants on a dollar-for-dollar basis up to a maximum award of \$20,000) from the County's Economic Development Fund be offered for a Route 17 Commercial Property and Building Improvement Incentive Program. Many of the businesses on Route 17 and on other commercial corridors are small operations that generally have very little available capital for improving the appearance of their property. In many cases the businesses are leasing the property and the owners have no motivation to improve the building and/or property. A number of the small strip centers in these commercial areas are leasing to small local businesses that do not pay high rents; hence, the owners of these centers are not inclined to make major renovations since their current net operating profit is very low. This grant program, which proved to be very popular and resulted in a number of successful renovation projects, provides a financial incentive for commercial property owners to improve building façades, signage, landscaping and general site conditions. The overall goal of the program is to improve the aesthetics and functionality of the corridor businesses in order to maintain and increase their economic viability. While initially developed for Route 17, this program is readily transferable to other commercial corridors in the County.

Tax Exemption Program for Rehabilitation, Renovation or Replacement of Commercial and Industrial Structures

Many properties on the County's commercial corridors are occupied by older structures, and it is likely that some owners are hesitant to renovate or expand because improvements can result in increased real estate assessments and an increased tax burden. Section 58.1-3221 of the Code of Virginia provides authority for localities to provide for the partial exemption from real estate tax for commercial and industrial structures that are twenty (20) or more years of age. The exemption may be made available for a period not to exceed fifteen (15) years. By providing a real estate tax exemption for property improvements to older commercial structures in the corridor, owners will have a real incentive to improve and maintain the quality of their property. Section 58.1-3221 of the Code of Virginia provides the following specific guidelines for this program:

- Structure must be at least twenty (20) years old.
- Must have undergone substantial rehabilitation, renovation or replacement for commercial or industrial use.
- Exemptions may be restricted to properties located within an area designated by the Board of Supervisors.

- Board may establish additional criteria for determining whether properties qualify, including raising the 20-year threshold.
- May also provide for partial exemption in the case of property that has been substantially rehabilitated by complete replacement for commercial or industrial use, provided that the replacement structures exceed the former square footage by no more than 100%.
- The partial exemption provided by the Board may not exceed an amount equal to the increase in assessed value attributable to the rehabilitation, renovation or replacement or an amount up to 50% of the cost of the rehabilitation, whichever the Board specifies by ordinance.
- The exemption may commence on January 1st of the year following completion and run with the real estate for a period of 15 years, or such shorter time as prescribed by the Board.
- The Board may, at its option, establish an incremental / gradual annual reduction of the exemption amount in such manner as it deems appropriate.

As a result of the recommendations of the Route 17 Revitalization Committee, the Board of Supervisors adopted a tax exemption program for the Route 17 corridor in 2004. This same type of program could be established on other commercial corridors as determined appropriate by the Board of Supervisors.

Underground Utilities

Overhead utility lines add to the visual clutter, detract from the appearance of even the best looking and best maintained properties, and limit the type and size of the landscaping that can be planted along the road shoulder and the fronts of properties. In addition, the overhead lines are subject to damage from automobile accidents (poles hit and snapped) and during storms (from limbs or trees falling across the lines). For these reasons, underground utilities are required in York County in all new subdivisions and on-site in all new commercial and industrial developments. In addition, where new development activity necessitates relocation of roadside overhead lines, they must be placed underground in their new location. Areas where utilities have been placed underground (e.g., in front of Washington Square and Grafton Shopping Centers, along Victory Boulevard in the Kiln Creek area) are noticeably more attractive as a result. Unfortunately, the cost of putting existing lines underground is extremely high and, while the County has set aside a small sum (\$50,000) in the annual Capital Improvements Program Budget for several years, the available amount is a “drop in the bucket” in relation to the \$1 million/mile general cost estimate for such work.

One of the most opportune times to consider undergrounding utilities is in conjunction with road improvement projects since VDOT policies allow certain “credits” for utility relocation work that is necessitated by a road project. As a result of these opportunities, the Board of Supervisors has approved a major commitment of County funds (to be matched through the VDOT Revenue Sharing Program) to facilitate undergrounding of utilities along most of the length of the proposed Route 17 widening project between Wolftrap Road and Route 134. In addition, the Board has indicated a desire to target Bypass Road as the next area for an undergrounding effort.

Additional County Funded Maintenance

Since 1999, the County has supplemented VDOT’s mowing and litter pick-up efforts on portions of the Route 17 corridor and at the Route 143 “gateway” to the County off I-64 (Camp Peary interchange) to enhance their appearance. This effort ensures that the medians and shoulder areas are mowed at least every two weeks, in contrast to the every two months or more frequency that is the norm given VDOT’s resource limitations. The County program initially depended on workforces provided by the Virginia Peninsula Regional Jail; however, over the past several years the manpower available from the jail has declined. As a result, the County crews have assumed a greater role, and significant funding has been provided by the Board of

Supervisors to allow maintenance contracts to be awarded to the private sector. Through these commitments, the County now maintains or funds private sector maintenance on: virtually the entire Route 17 corridor; on Route 171 from Route 134 to the Newport News city line; on Route 143 at the Route 199 interchange, the Camp Peary interchange and at Second Street; and, on Route 199 and Mooretown Road in the Lightfoot area. The aesthetic benefits of this program have been significant and, as VDOT's resources continue to decline, there will likely be additional corridors where such County-funded efforts are necessary in order to achieve the appearance standards that citizens desire.

Acquisition of Maintenance and Landscape Easements on Blighted Properties

For various reasons, commercial and residential properties sometimes become vacant and are not maintained properly. These situations range from vacant lots that are not mowed frequently enough to commercial structures that become dilapidated and are prime graffiti targets. Code enforcement efforts sometimes work in these cases but often are very ineffective, particularly in the absence of a comprehensive property maintenance ordinance. In 1997 the County was faced with a dilapidated building situation next to the Yorktown Library. An old service station was abandoned and an out of town owner was not maintaining the property. County staff was able to convince the owner to raze the structure but could not require that the grounds be cleaned and maintained to the same standard as the adjacent library property. In order to accomplish this the County requested that the owner dedicate/donate a landscaping and maintenance easement that allowed County forces to remove the debris on the property, plant shrubs and grass, and properly maintain the grounds. This same approach could be selectively used to address problem properties where all other avenues have failed. The goal of such a program, which could be targeted to specific corridors or areas, would be to effect significant aesthetic improvements on the targeted property in order to stop its blighting influence and facilitate the property's sale and renovation.

Blight Elimination

Currently, York County has adopted only Volume I of the Virginia Uniform Statewide Building Code, which addresses new construction. Volume II of the Virginia Uniform Statewide Building Code is a property maintenance code that allows localities to formally cite property owners for violations like broken windows, decaying wood and peeling paint. This code is routinely used in communities with older, run-down housing and commercial structures that are not being maintained. Adoption of this code would require additional staffing to enforce and, under current enabling legislation, would have to be applied on a countywide basis and could not be limited to a targeted area or corridor – both of which have been cited by the Board of Supervisors in previous discussions as reasons for not pursuing this type of program. However, as the County's housing stock and structures along commercial corridors continue to age, and in some cases deteriorate into blighted conditions, it may become increasingly necessary to have available a regulatory tool to persuade property owners to maintain their buildings.

DEVELOPING A VISION

As noted previously, in 2004 the Route 17 Revitalization Committee, a committee appointed by the Economic Development Authority in response to the Board of Supervisors' goal to improve the appearance of Route 17, recommended a 14-point action plan for the corridor. As part of its work the Revitalization Committee discussed and developed the following vision statement for Route 17. Many of the points in this vision statement (listed below), as well as the action item recommendations, are transferable to other corridors in the County and the process followed by the committee should serve as a model for encouraging improvements to additional corridors and areas.

"We envision Route 17 as a corridor where..."

- *Existing businesses can remain viable and flourish through growth and expansion;*

- *New businesses can be established and thrive;*
- *Existing and newly developed parcels contribute positively to the appearance of the corridor;*
- *Property owners take pride in the condition of their properties and keep them attractive and well-maintained;*
- *Existing deteriorated structures have been rehabilitated or demolished;*
- *Signs are well-maintained, attractive, tastefully designed, and subdued in terms of size and height;*
- *Monument-style signs with attractive landscaping around their bases are the preferred and predominant type;*
- *Signs associated with closed businesses and abandoned properties have been removed;*
- *Development regulations strike an appropriate balance between private property rights and establishing and protecting community character (i.e., where property can be developed to its highest potential, while at the same time ensuring that sufficient attention is given to compatibility with surroundings, appearance of buildings, signs, landscaping, etc);*
- *Medians, shoulders and other available areas of the VDOT right-of-way are landscaped with trees, shrubs, ornamental grasses, perennial and annual flowers and weed-free lawn areas in a consistent theme pattern, all of which are maintained to remain healthy and attractive;*
- *Unightly utility lines have been placed underground;*
- *Adjoining property owners have agreed to share joint-access driveways in order to improve Route 17 traffic flow and safety conditions and to enable efficient and cost-effective site design;*
- *Parking lots and large expanses of asphalt are screened or buffered from view by low-profile landforms (berms), ornamental fences, shrubs, ornamental grasses or other landscaping;*
- *Efforts are made to protect and retain existing mature and healthy trees on a development site;*
- *Outdoor storage areas, dumpsters, building mechanical systems (HVAC units), loading docks and other potential unsightly features are screened from view from the corridor.”¹*

CITIZEN INPUT

York County’s quiet, rural character was the reason, according to the results of the 2005 telephone survey, that 13% of County residents first chose to live here. Over 63% of county residents consider it extremely important that open space and green space be preserved, 46% believe it is extremely important for new businesses to have attractive landscaping, and 49% consider it important to address vacant, rundown properties in order to improve the appearance of commercial corridors. Citizens have expressed concerns about the pace and appearance of new development and how it can result in the destruction of trees and green areas.

When asked what they like *most* about living in York County, citizens mentioned a variety of factors including the following “community character and appearance” reasons:

- Rural or semi-rural environment
- Country living
- Calm, small-town feel
- Greenspace/natural areas
- Quiet, peaceful
- Large amounts of trees
- Shoreline setting

¹ Route 17 Revitalization Committee, *Final Report*, November 2004.

Conversely, when asked what they like *least* about living in York County, citizens mentioned the following “community character and appearance” factors, among other various other reasons:

- Loss of trees and greenspace to new development
- Lack of architectural character along commercial corridors
- Abandoned / unsightly buildings on commercial corridors
- Lack of a “downtown”

In general, through their comments at the Neighborhood Open House meetings and the telephone survey, County citizens have made it clear that they value greenspace and support efforts to improve the appearance of existing and new development. There is concern that continued development, if it is not planned and implemented with attention to open/green space protection and enhancement and architectural quality, will destroy the attributes that attracted people to make York County their home. While that sentiment doesn’t suggest that new development be prevented, it does indicate that County citizens support establishment of plans, policies and laws to ensure that the development (or redevelopment) that occurs will contribute positively to the County’s character and appearance.

GOAL, OBJECTIVES, AND IMPLEMENTATION STRATEGIES

Goal

Protect, preserve and enhance the natural and physical attributes of the County that define and contribute positively to its appearance and character.

Objectives

1. Pursue and/or continue regulatory, non-regulatory and incentive-based programs that help preserve and enhance the positive character-defining attributes of the County such as abundant open space, tree-lined road corridors, attractive “gateway” entrances, well-landscaped commercial areas, and pleasant residential settings.
2. Encourage beautification of existing development to improve its visual quality and appeal.
3. Encourage the use of cluster development techniques and conservation easements to help preserve open space.
4. Maintain higher development performance standards at major “gateway” entrances and along major “gateway” corridors.

Implementation Strategies

1. Utilize the VDOT Revenue Sharing Program or the Transportation Enhancements Program to obtain matching funding to support new or expanded streetscaping/landscaping enhancements along the following “gateway” corridors in the County:
 - Route 17 (George Washington Memorial Highway)
 - Route 171 (Victory Boulevard)
 - Route 134 (Hampton Highway)
 - Route 173 (Denbigh Boulevard)
 - Route 105 and Route 1050 (Fort Eustis Boulevard)
 - Route 199
 - Route 143 (Merrimac Trail)
 - Route 60 (Pocahontas Trail, Bypass Road, Richmond Road)
 - Route 162 (Second Street)
 - Mooretown Road

- East Roachambeau Drive
2. Ensure that development along the above-named corridors, and along Interstate 64, protects the natural vegetation and vistas through the establishment of “greenbelt” designations.
 3. Work with VDOT, the Metropolitan Planning Organization, other jurisdictions and other involved parties to ensure that widening of Interstate 64 is accomplished in a manner that preserves and protects to the maximum extent possible the appealing and attractive tree-lined median areas.
 4. Continue allocating County funds to cover the cost of increased frequency mowing of medians and shoulders along all or portions of the above-named “gateway” corridors.
 5. Provide business incentives to offer:
 - Free design assistance to businesses interested in property improvements;
 - Matching Grant funding for implementing improvements;
 - Tax exemption for value enhancements associated with renovations;
 6. Negotiate landscape/maintenance easements or fee simple purchase to facilitate rehabilitation of abandoned and “blighted” properties in areas targeted for enhancement.
 7. Seek special legislation in the General Assembly to allow the County to adopt a blight elimination program (Volume II, Statewide Building Code) in selected/targeted areas, but not countywide.
 8. Continue to require underground utilities in conjunction with new development and pursue opportunities for undergrounding of existing overhead utilities in conjunction with road improvement projects (e.g., along Route 17) or as separate projects (funded by grant/matching funds and/or County funds) along other high-visibility “gateway” corridors.
 9. Continue allocation and accumulation of funds in amounts that will support acquisition of strategically located greenways and/or conservation easements that will contribute positively to the visual character and appearance of the County.